

(Pub. L. 102-281, title IV, §428, May 13, 1992, 106 Stat. 144.)

#### REFERENCES IN TEXT

Executive Level V, referred to in subsec. (b), probably means level V of the Executive Schedule, which is set out in section 5316 of Title 5, Government Organization and Employees.

### § 5708. Administrative provisions

(a) The Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees (other than the Executive Secretary) be compensated at a rate in excess of the rate of basic pay payable for GS-15 of the General Schedule;

(2) procure temporary and intermittent services of such experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not in excess of the rate of basic pay payable for Executive Level V;

(3) prescribe such regulations as the Foundation may determine to be necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter,<sup>1</sup> and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 6101 of title 41;

(7) make advances, progress, and other payments which the Board deems necessary under this chapter without regard to the provisions of section 3324(a) and (b) of title 31;

(8) rent office space;

(9) conduct programs in addition to or in conjunction with the Fellowship program which shall further the Foundation's purpose of encouraging new discoveries in all fields of endeavor for the benefit of mankind; and

(10) to make other necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Congress an annual report of its operations under this chapter.

(Pub. L. 102-281, title IV, §429, May 13, 1992, 106 Stat. 144.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(1), is set out under section 5332 of Title 5, Government Organization and Employees.

<sup>1</sup> See References in Text note below.

Executive Level V, referred to in subsec. (a)(2), probably means level V of the Executive Schedule, which is set out in section 5316 of Title 5.

This chapter, referred to in subsec. (a)(6), was in the original “this chapter” and was translated as reading “this subtitle” meaning subtitle B (§§421-430) of title IV of Pub. L. 102-281 which enacted this chapter, to reflect the probable intent of Congress.

#### CODIFICATION

In subsec. (a)(6), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a)(7), “section 3324(a) and (b) of title 31” substituted for reference to section 529 of title 31, United States Code, on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to submitting an annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 156 of House Document No. 103-7.

### § 5709. Authorization of appropriations

There are authorized to be appropriated to the Foundation, such sums as may be necessary to carry out this chapter.

(Pub. L. 102-281, title IV, §430, as added Pub. L. 111-8, div. D, title VI, §623(2), Mar. 11, 2009, 123 Stat. 678.)

## CHAPTER 68—NATIONAL EDUCATION REFORM

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### SUBCHAPTER II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

#### PART A—NATIONAL EDUCATION GOALS PANEL

5821 to 5827. Repealed.

#### PART B—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

5861 to 5864. Repealed.

#### PART C—AUTHORIZATION OF APPROPRIATIONS

5871. Repealed.

### SUBCHAPTER III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

5881 to 5891.	Repealed.
5891a.	Definitions.
5891b.	Education flexibility partnership.
5892 to 5900.	Repealed.

### SUBCHAPTER IV—PARENTAL ASSISTANCE

5911 to 5918. Repealed.

### SUBCHAPTER V—NATIONAL SKILL STANDARDS BOARD

5931 to 5939. Repealed.

### SUBCHAPTER VI—INTERNATIONAL EDUCATION PROGRAM

5951. Repealed.

### SUBCHAPTER VII—SAFE SCHOOLS

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- PART I—EISENHOWER REGIONAL MATHEMATICS AND  
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### § 5801. Purpose

The purpose of this chapter is to provide a framework for meeting the National Education

Goals established by subchapter I of this chapter by—

- (1) promoting coherent, nationwide, sys-  
temic education reform;
- (2) improving the quality of learning and  
teaching in the classroom and in the work-  
place;

- (3) defining appropriate and coherent Fed-  
eral, State, and local roles and responsibilities  
for education reform and lifelong learning;

- (4) establishing valid and reliable mecha-  
nisms for—

- (A) building a broad national consensus on  
American education reform;

- (B) assisting in the development and cer-  
tification of high-quality, internationally  
competitive content and student perform-  
ance standards; and

- (C) assisting in the development and cer-  
tification of high-quality assessment meas-  
ures that reflect the internationally com-  
petitive content and student performance  
standards;

- (5) supporting new initiatives at the Federal,  
State, local, and school levels to provide equal  
educational opportunity for all students to  
meet high academic and occupational skill  
standards and to succeed in the world of em-  
ployment and civic participation;

- (6) providing a framework for the reauthor-  
ization of all Federal education programs by—

- (A) creating a vision of excellence and eq-  
uity that will guide all Federal education  
and related programs;

- (B) providing for the establishment of  
high-quality, internationally competitive  
content and student performance standards  
and strategies that all students will be ex-  
pected to achieve;

- (C) encouraging and enabling all State  
educational agencies and local educational  
agencies to develop comprehensive improve-  
ment plans that will provide a coherent  
framework for the implementation of reau-  
thorized Federal education and related pro-  
grams in an integrated fashion that effec-  
tively educates all children to prepare them  
to participate fully as workers, parents, and  
citizens;

- (D) providing resources to help individual  
schools, including those serving students  
with high needs, develop and implement  
comprehensive improvement plans; and

- (E) promoting the use of technology to en-  
able all students to achieve the National  
Education Goals;

- (7) stimulating the development and adop-  
tion of a voluntary national system of skill  
standards and certification to serve as a cor-  
nerstone of the national strategy to enhance  
workforce skills; and

- (8) assisting every elementary and secondary  
school that receives funds under this chapter  
to actively involve parents and families in  
supporting the academic work of their chil-  
dren at home and in providing parents with  
skills to advocate for their children at school.

(Pub. L. 103-227, §2, Mar. 31, 1994, 108 Stat. 128;  
 Pub. L. 104-134, title I, §101(d) [title VII,  
 §703(a)(2)], Apr. 26, 1996, 110 Stat. 1321-211,

1321–252; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103–227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### AMENDMENTS

1996—Par. (4)(B) to (D). Pub. L. 104–134, § 101(d) [title VII, § 703(a)(2)(A)], inserted “and” at end of subpar. (B), redesignated subpar. (D) as (C), and struck out former subpar. (C) which read as follows: “assisting in the development and certification of opportunity-to-learn standards; and”.

Par. (6)(C) to (F). Pub. L. 104–134, § 101(d) [title VII, § 703(a)(2)(B)], redesignated subpars. (D) to (F) as (C) to (E), respectively, and struck out former subpar. (C) which read as follows: “providing for the establishment of high-quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;”.

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–25, § 1, Apr. 29, 1999, 113 Stat. 41, provided that: “This Act [enacting sections 5891a and 5891b of this title, amending section 1415 of this title, and enacting provisions set out as notes under sections 1415 and 5891a of this title] may be cited as the ‘Education Flexibility Partnership Act of 1999’.”

#### SHORT TITLE

Pub. L. 103–227, § 1(a), Mar. 31, 1994, 108 Stat. 125, provided that: “This Act (other than titles V and IX) [enacting this chapter (other than subchapters V and IX) and sections 3351 and 3425 of this title, amending sections 1107, 1221e–1, 1232h, 2421, 3381 to 3384, 3386, and 5093 of this title, section 5315 of Title 5, Government Organization and Employees, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 5093 and 6301 of this title and section 11901 of Title 42] may be cited as the ‘Goals 2000: Educate America Act’.”

### § 5802. Definitions

#### (a) Subchapters I, II, III, and X

As used in subchapters I, II, III, and X of this chapter—

(1) the terms “all students” and “all children” mean students or children from a broad range of backgrounds and circumstances, including disadvantaged students and children, students or children with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students or children with disabilities, students or children with limited-English proficiency, school-aged students or children who have dropped out of school, migratory students or children, and academically talented students and children;

(2) the term “Bureau”, unless otherwise provided, means the Bureau of Indian Affairs;

(3) the terms “community”, “public”, and “advocacy group” include representatives of organizations advocating for the education of American Indian, Alaska Native, and Native Hawaiian children and Indian tribes;

(4) the term “content standards” means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term “Governor” means the chief executive of the State;

(6) the terms “local educational agency” and “State educational agency” have the meaning given such terms in section 8801 of this title;<sup>1</sup>

(7) the term “outlying areas” means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia;

(8) the term “performance standards” means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(9) the term “related services” has the same meaning given such term under section 1401 of this title;

(10) the term “State assessment” means measures of student performance which include at least 1 instrument of evaluation, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas;

(11) the term “school” means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 5895(b)<sup>1</sup> of this title, a school that is operated or funded by the Bureau;

(12) the term “Secretary”, unless otherwise provided, means the Secretary of Education; and

(13) the term “State”, unless otherwise provided, means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

#### (b) Subchapters IV, V, VI, VII, VIII, and IX

For the purpose of subchapters IV, V, VI, VII, VIII, and IX of this chapter—

(1) except as provided in paragraph (3) and unless otherwise provided, the terms used in such subchapters have the same meanings given such terms in section 8801 of this title;<sup>1</sup>

(2) the term “Bureau”, unless otherwise provided, means the Bureau of Indian Affairs; and

(3) the term “Secretary”, unless otherwise provided, means the Secretary of Education.

(Pub. L. 103–227, § 3, Mar. 31, 1994, 108 Stat. 129; Pub. L. 103–382, title III, § 394(f)(1), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 104–134, title I, § 101(d) [title VII, § 703(a)(3)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–252; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 108–446, title III, § 305(e), Dec. 3, 2004, 118 Stat. 2805.)

#### REFERENCES IN TEXT

Subchapters I to X, referred to in text, were in the original references to titles I to X of Pub. L. 103–227, Mar. 31, 1994, 108 Stat. 131–265. Titles I, V, VI, and VIII are classified generally to subchapters I (§ 5811 et seq.),

<sup>1</sup> See References in Text note below.

V (§5931 et seq.), VI (§5951), and VIII (§5981 et seq.), respectively, of this chapter. Title II enacted subchapter II (§5821 et seq.) of this chapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title. Title VII enacted subchapter VII (§5961 et seq.) of this chapter and amended section 1221e-1 of this title. Titles III and IV were classified generally to subchapters III (§5881 et seq.) and IV (§5911 et seq.), respectively, of this chapter and were repealed by Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265. Section 5895(b) of this title was repealed by Pub. L. 106-113. Title IX enacted subchapter IX (§6001 et seq.) of this chapter, amended sections 2422, 3155, 3412, 3419, 3462, and 4085b of this title, repealed section 1221e of this title, and enacted provisions set out as notes under sections 1221e and 3155 of this title. Title X enacted subchapter X (§6061 et seq.) of this chapter and section 3351 of this title, amended sections 1107, 1232h, 2421, 3381 to 3384, and 3386 of this title, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 6301 of this title and section 11901 of Title 42. For complete classification of titles I to X to the Code, see Tables.

Section 8801 of this title, referred to in subsecs. (a)(6) and (b)(1), was repealed by Pub. L. 107-110, title X, §1011(5)(C), Jan. 8, 2002, 115 Stat. 1986.

For Oct. 1, 1994, as the date the Compact of Free Association with the Government of Palau takes effect, referred to in subsec. (a)(7), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

2004—Subsec. (a)(9). Pub. L. 108-446 substituted “section 1401” for “section 1401(a)(17)”.

1996—Subsec. (a)(7) to (14). Pub. L. 104-134 redesignated pars. (8) to (14) as (7) to (13), respectively, and struck out former par. (7) which read as follows: “the term ‘opportunity-to-learn standards’ means the criteria for, and the basis of, assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in voluntary national content standards or State content standards;”.

1994—Subsec. (a)(6). Pub. L. 103-382, §394(f)(1)(A)(i), substituted “section 8801” for “section 2891”.

Subsec. (a)(10). Pub. L. 103-382, §394(f)(1)(A)(ii), substituted “section 1401(a)(17)” for “section 1401”.

Subsec. (b)(1). Pub. L. 103-382, §394(f)(1)(B), substituted “section 8801” for “section 2891”.

### SUBCHAPTER I—NATIONAL EDUCATION GOALS

#### § 5811. Purpose

The purpose of this subchapter is to establish National Education Goals.

(Pub. L. 103-227, title I, §101, Mar. 31, 1994, 108 Stat. 130.)

#### § 5812. National Education Goals

The Congress declares that the National Education Goals are the following:

##### (1) School readiness

(A) By the year 2000, all children in America will start school ready to learn.

(B) The objectives for this goal are that—

(i) all children will have access to high-quality and developmentally appropriate

preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child’s first teacher and devote time each day to helping such parent’s preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

##### (2) School completion

(A) By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) The objectives for this goal are that—

(i) the Nation must dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

##### (3) Student achievement and citizenship

(A) By the year 2000, all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation’s modern economy.

(B) The objectives for this goal are that—

(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

(v) the percentage of all students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

##### (4) Teacher education and professional development

(A) By the year 2000, the Nation’s teaching force will have access to programs for the con-

tinued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) The objectives for this goal are that—

(i) all teachers will have access to pre-service teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

#### **(5) Mathematics and science**

(A) By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) The objectives for this goal are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

#### **(6) Adult literacy and lifelong learning**

(A) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) The objectives for this goal are that—

(i) every major American business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including those at libraries, that are designed

to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

(iv) the proportion of the qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

#### **(7) Safe, disciplined, and alcohol- and drug-free schools**

(A) By the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.

(B) The objectives for this goal are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(v) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(vi) community-based teams should be organized to provide students and teachers with needed support; and

(vii) every school should work to eliminate sexual harassment.

#### **(8) Parental participation**

(A) By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

(B) The objectives for this Goal are that—

(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which sup-

ports the academic work of children at home and shared educational decisionmaking at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(Pub. L. 103-227, title I, §102, Mar. 31, 1994, 108 Stat. 130.)

## SUBCHAPTER II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

### PART A—NATIONAL EDUCATION GOALS PANEL

#### §§ 5821 to 5827. Repealed. Pub. L. 107-110, title X, § 1011(4)(A), Jan. 8, 2002, 115 Stat. 1986

Section 5821, Pub. L. 103-227, title II, §201, Mar. 31, 1994, 108 Stat. 133; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(4)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, set forth purpose of part.

Section 5822, Pub. L. 103-227, title II, §202, Mar. 31, 1994, 108 Stat. 134; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(5)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, established National Education Goals Panel.

Section 5823, Pub. L. 103-227, title II, §203, Mar. 31, 1994, 108 Stat. 136; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(6)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, set forth duties of Panel.

Section 5824, Pub. L. 103-227, title II, §204, Mar. 31, 1994, 108 Stat. 136; Pub. L. 103-382, title III, §361(b)(1), Oct. 20, 1994, 108 Stat. 3974; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(7)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to powers of Panel.

Section 5825, Pub. L. 103-227, title II, §205, Mar. 31, 1994, 108 Stat. 137, set forth administrative provisions.

Section 5826, Pub. L. 103-227, title II, §206, Mar. 31, 1994, 108 Stat. 138, related to appointment of Director and staff and procurement of experts and consultants.

Section 5827, Pub. L. 103-227, title II, §207, Mar. 31, 1994, 108 Stat. 138, related to assessment of readiness of children for school.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

### PART B—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

#### PRIOR PROVISIONS

A prior part B, consisting of sections 5841 to 5851 of this title, was repealed by Pub. L. 104-134, title I, §101(d) [title VII, §701(1)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Section 5841, Pub. L. 103-227, title II, §211, Mar. 31, 1994, 108 Stat. 139, stated purpose.

Section 5842, Pub. L. 103-227, title II, §212, Mar. 31, 1994, 108 Stat. 139, established National Education Standards and Improvement Council and provided for composition, appointment rules and qualifications, terms, date of appointment, initiation of duties, retention of appointment, vacancy, compensation, conflict of interest, travel, and officers.

Section 5843, Pub. L. 103-227, title II, §213, Mar. 31, 1994, 108 Stat. 142, related to duties of Council.

Section 5844, Pub. L. 103-227, title II, §214, Mar. 31, 1994, 108 Stat. 147, required Council to submit annual reports to President, Secretary, appropriate committees of Congress, Governor of each State, and Goals Panel regarding its work.

Section 5845, Pub. L. 103-227, title II, §215, Mar. 31, 1994, 108 Stat. 147; Pub. L. 103-382, title III, §361(b)(2), Oct. 20, 1994, 108 Stat. 3975, related to powers of Council.

Section 5846, Pub. L. 103-227, title II, §216, Mar. 31, 1994, 108 Stat. 148, related to publication in Federal Register for public comment of certain proposed procedures, standards, and criteria.

Section 5847, Pub. L. 103-227, title II, §217, Mar. 31, 1994, 108 Stat. 148, contained administrative provisions relating to Council, including provisions relating to meetings, quorum, voting, and public access.

Section 5848, Pub. L. 103-227, title II, §218, Mar. 31, 1994, 108 Stat. 149, related to Council Director and staff, and use of experts and consultants and staffs of Federal agencies.

Section 5849, Pub. L. 103-227, title II, §219, Mar. 31, 1994, 108 Stat. 149, related to opportunity-to-learn development grants.

Section 5850, Pub. L. 103-227, title II, §220, Mar. 31, 1994, 108 Stat. 150, related to assessment development and evaluation grants.

Section 5851, Pub. L. 103-227, title II, §221, Mar. 31, 1994, 108 Stat. 151, required Secretary to make grant, in amount not to exceed \$500,000, to National Academy of Sciences or National Academy of Education to evaluate technical quality of work performed, and certain processes used, by Goals Panel and Council, and required recipient of grant to submit final report to Congress, Secretary, and the public regarding activities assisted under this section not later than Jan. 1, 1998.

#### §§ 5861 to 5864. Repealed. Pub. L. 103-382, title III, § 361(a), Oct. 20, 1994, 108 Stat. 3974

Section 5861, Pub. L. 103-227, title II, §231, Mar. 31, 1994, 108 Stat. 151; Pub. L. 103-382, title III, §394(f)(2), Oct. 20, 1994, 108 Stat. 4027, stated purpose of this part to provide leadership in educational technology.

Section 5862, Pub. L. 103-227, title II, §232, Mar. 31, 1994, 108 Stat. 152; Pub. L. 103-382, title III, §394(f)(3), Oct. 20, 1994, 108 Stat. 4027, related to Federal leadership in use of technology in education.

Section 5863, Pub. L. 103-227, title II, §234, Mar. 31, 1994, 108 Stat. 155, related to uses of funds.

Section 5864, Pub. L. 103-227, title II, §235, Mar. 31, 1994, 108 Stat. 156, related to non-Federal share of cost of activities assisted under grants or contracts under this part.

### PART C—AUTHORIZATION OF APPROPRIATIONS

#### § 5871. Repealed. Pub. L. 107-110, title X, § 1011(4)(A), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 103-227, title II, §241, Mar. 31, 1994, 108 Stat. 156; Pub. L. 104-134, title I, §101(d) [title VII, §701(3)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, authorized appropriations.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

### SUBCHAPTER III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

#### §§ 5881 to 5891. Repealed. Pub. L. 106-113, div. B, § 1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265

Section 5881, Pub. L. 103-227, title III, §301, Mar. 31, 1994, 108 Stat. 157, related to congressional findings.

Section 5882, Pub. L. 103-227, title III, §302, Mar. 31, 1994, 108 Stat. 158, stated purpose of subchapter.

Section 5883, Pub. L. 103-227, title III, §303, Mar. 31, 1994, 108 Stat. 158, related to authorization of appropriations.

Section 5884, Pub. L. 103-227, title III, §304, Mar. 31, 1994, 108 Stat. 158; Pub. L. 104-134, title I, §101(d) [title VII, §§703(a)(8), 704], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252, 1321-255; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to allotment of funds.

Section 5885, Pub. L. 103-227, title III, §305, Mar. 31, 1994, 108 Stat. 159; Pub. L. 104-134, title I, §101(d) [title VII, §705(b)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-256; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to State applications.

Section 5886, Pub. L. 103-227, title III, §306, Mar. 31, 1994, 108 Stat. 160; Pub. L. 104-134, title I, §101(d) [title VII, §§702(a), 703(a)(9), 705(a)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251, 1321-253, 1321-256; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to State improvement plans.

Section 5887, Pub. L. 103-227, title III, §307, Mar. 31, 1994, 108 Stat. 167; Pub. L. 104-134, title I, §101(d) [title VII, §705(c)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-256; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to Secretary's review of applications and payments.

Section 5888, Pub. L. 103-227, title III, §308, Mar. 31, 1994, 108 Stat. 168; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(10)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to State use of funds.

Section 5889, Pub. L. 103-227, title III, §309, Mar. 31, 1994, 108 Stat. 169; Pub. L. 103-382, title III, §361(c), Oct. 20, 1994, 108 Stat. 3975; Pub. L. 104-134, title I, §101(d) [title VII, §§702(b), 703(a)(11)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to subgrants for local reform and professional development.

Section 5890, Pub. L. 103-227, title III, §310, Mar. 31, 1994, 108 Stat. 174; Pub. L. 103-382, title III, §394(f)(4), Oct. 20, 1994, 108 Stat. 4028, related to availability of information and training.

Section 5891, Pub. L. 103-227, title III, §311, Mar. 31, 1994, 108 Stat. 174; Pub. L. 103-382, title III, §394(f)(5), Oct. 20, 1994, 108 Stat. 4028, related to waivers of statutory and regulatory requirements.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265, provided that: "Titles III [enacting this subchapter] and IV [enacting subchapter IV of this chapter] of the Goals 2000: Educate America Act are repealed on September 30, 2000."

### § 5891a. Definitions

In this Act:

#### (1) Local educational agency; State educational agency; outlying area

The terms "local educational agency", "State educational agency", and "outlying area" have the meanings given the terms in section 7801 of this title.

#### (2) Eligible school attendance area; school attendance area

The terms "eligible school attendance area" and "school attendance area" have the meanings given the terms in section 6313(a)(2) of this title.

#### (3) Secretary

The term "Secretary" means the Secretary of Education.

#### (4) State

The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(Pub. L. 106-25, §3, Apr. 29, 1999, 113 Stat. 42; Pub. L. 107-110, title X, §1076(o), Jan. 8, 2002, 115 Stat. 2092.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 106-25, Apr. 29, 1999, 113 Stat. 41, known as the Education Flexibility Partnership Act of 1999, which enacted sections 5891a and 5891b of this title, amended section 1415 of this title, and enacted provisions set out as notes under sections 1415 and 5891a of this title. For complete classification of this Act to the Code, see Short Title of 1999 Amendment note set out under section 5801 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Education Flexibility Partnership Act of 1999, and not as part of the Goals 2000: Educate America Act which comprises this chapter.

#### AMENDMENTS

2002—Par. (1). Pub. L. 107-110 substituted "7801" for "8801".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

#### FINDINGS

Pub. L. 106-25, §2, Apr. 29, 1999, 113 Stat. 41, provided that: "Congress makes the following findings:

"(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in one State improve may not prove successful in other States.

"(2) Although the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] and other Federal education statutes afford flexibility to State educational agencies and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

"(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

"(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

"(5) The Education Flexibility Partnership Demonstration Act [former 20 U.S.C. 5891(e)] allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

"(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving mathematics and science performance under title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.] (Dwight D. Eisenhower Professional Develop-

ment Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

“(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.”

### **§ 5891b. Education flexibility partnership**

#### **(a) Educational flexibility program**

##### **(1) Program authorized**

###### **(A) In general**

The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b) of this section, other than requirements described in subsection (c) of this section, for any local educational agency or school within the State.

###### **(B) Designation**

Each eligible State participating in the program described in subparagraph (A) shall be known as an “Ed-Flex Partnership State”.

##### **(2) Eligible State**

For the purpose of this section the term “eligible State” means a State that—

(A) has—

(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)], and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3) of such Act;<sup>1</sup> or

(ii)(I) developed and implemented the content standards described in clause (i);

(II) developed and implemented interim assessments; and

(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6316], for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2) of such Act [20 U.S.C. 6311(b)(2)]; and

(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools

within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

#### **(3) State application**

##### **(A) In general**

Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)];

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965) [20 U.S.C. 6301 et seq.], the performance of students in the schools and local educational agencies affected by the waivers; and

(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

##### **(B) Approval and considerations**

The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

<sup>1</sup> See References in Text note below.



(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are clear and have the ability to be assessed; and

(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

#### **(4) Local application**

##### **(A) In general**

Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

##### **(B) Evaluation of applications**

A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

##### **(C) Approval**

A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local edu-

cational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

##### **(D) Termination**

The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

(i) has been inadequate to justify continuation of such waiver; or

(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

#### **(5) Oversight and reporting**

##### **(A) Oversight**

Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

##### **(B) State reports**

###### **(i) Annual reports**

The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

###### **(ii) Performance data**

Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

**(C) Secretary's reports**

The Secretary, not later than 2 years after April 29, 1999, and annually thereafter, shall—

(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

**(6) Duration of Federal waivers**

**(A) In general**

The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

(ii) has improved student performance.

**(B) Performance review**

Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

**(C) Renewal**

In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

(ii) demonstrates in the request that local educational agencies or schools af-

ected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

**(7) Authority to issue waivers**

Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 1999 through 2004.

**(8) Public notice and comment**

Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

**(b) Included programs**

The statutory or regulatory requirements referred to in subsection (a)(1)(A) of this section are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

(1) The following provisions of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]:

(A) Part A [20 U.S.C. 6311 et seq.] (other than sections 1111 and 1116 [20 U.S.C. 6311, 6316]), subpart 3 of part B [20 U.S.C. 6381 et seq.], and parts C, D, and F [20 U.S.C. 6391 et seq., 6421 et seq., 6511 et seq.] of title I.

(B) Subparts 2 and 3 of part A of title II [20 U.S.C. 6621 et seq., 6631 et seq.].

(C) Subpart 1 of part D of title II [20 U.S.C. 6761 et seq.].

(D) Subpart 4 of part B of title III [20 U.S.C. 6961 et seq.], if the funding trigger in section 3001 of such Act [20 U.S.C. 6801] is not reached.

(E) Subpart 1 of part A of title IV [20 U.S.C. 7111 et seq.].

(F) Part A of title V [20 U.S.C. 7201 et seq.].

(2) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

**(c) Waivers not authorized**

The Secretary and the State educational agency may not waive under subsection (a)(1)(A) of this section any statutory or regulatory requirement—

- (1) relating to—
  - (A) maintenance of effort;
  - (B) comparability of services;
  - (C) equitable participation of students and professional staff in private schools;
  - (D) parental participation and involvement;
  - (E) distribution of funds to States or to local educational agencies;
  - (F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6313(a)(3)];
  - (G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6313(a), (b)], except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act [20 U.S.C. 6311 et seq.] if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b) of this section;
  - (H) use of Federal funds to supplement, not supplant, non-Federal funds; and
  - (I) applicable civil rights requirements; and
- (2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

**(d) Treatment of existing Ed-Flex Partnership States****(1) In general**

Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) for the duration of the waiver authority.

**(2) Applicable provisions**

The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading “EDUCATION REFORM” in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

**(3) Special rule**

If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act; and

(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

**(4) Technology**

In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after April 29, 1999, the waiver authority to include programs under subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).<sup>1</sup>

**(e) Publication**

A notice of the Secretary’s decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B) of this section, shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

(Pub. L. 106-25, § 4, Apr. 29, 1999, 113 Stat. 42; Pub. L. 107-110, title X, § 1073, Jan. 8, 2002, 115 Stat. 2090; Pub. L. 109-270, § 2(e), Aug. 12, 2006, 120 Stat. 747.)

## REFERENCES IN TEXT

Section 1116(a)(3) of such Act, referred to in subsec. (a)(2)(A)(i), means section 1116(a)(3) of Pub. L. 89-10. Section 1116 of Pub. L. 89-10, which was classified to section 6317 of this title, was omitted in the general amendment of subchapter I (§ 6301 et seq.) of chapter 70 of this title, and a new section 1116, which is classified to section 6316 of this title, was enacted, by Pub. L. 107-110, title I, § 101, Jan. 8, 2002, 115 Stat. 1439. The new section 1116 does not contain a subsec. (a)(3).

The Elementary and Secondary Education Act of 1965, referred to in subsecs. (a)(3)(A)(v), (b)(1), and (c)(1)(G), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§ 6301 et seq.) of this title. Title I of the Act is classified generally to subchapter I (§ 6301 et seq.) of chapter 70 of this title. Part A of title I of the Act is classified generally to part A (§ 6311 et seq.) of subchapter I of chapter 70 of this title. Subpart 3 of part B of title I is classified generally to subpart 3 (§ 6381 et seq.) of part B of subchapter I of chapter 70 of this title. Parts C, D, and F of title I are classified generally to parts C (§ 6391 et seq.), D (§ 6421 et seq.), and F (§ 6511 et seq.), respectively, of subchapter I of chapter 70 of this title. Subparts 2 and 3 of part A of title II are classified generally to subparts 2 (§ 6621 et seq.) and 3 (§ 6631 et seq.), respectively, of part A of subchapter II of chapter 70 of this title. Subpart 1 of part D of title II is classified generally to subpart 1 (§ 6761 et seq.) of part D of subchapter II of chapter 70 of this title. Subpart 4 of part B of title III is classified generally to subpart 4 (§ 6961 et seq.) of part B of subchapter III of chapter 70 of this title. Subpart 1 of part A of title IV is classified generally to subpart 1 (§ 7111 et seq.) of part A of subchapter IV of chapter 70 of this title. Part A of title V is classified generally to part A (§ 7201 et seq.) of subchapter V of chapter

70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(2), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

Section 311(e) of the Goals 2000: Educate America Act, referred to in subsec. (d)(2), (3)(A), is section 311(e) of Pub. L. 103-227, which was classified to section 5891(e) of this title and was repealed by Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265.

The proviso referring to such section 311(e) under the heading “EDUCATION REFORM” in the Department of Education Appropriations Act, 1996, referred to in subsec. (d)(2)(B), is Pub. L. 104-134, title I, §101(d) [title III], Apr. 26, 1996, 110 Stat. 1321-211, 1321-229; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, which is set out as a note below.

Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(4), means subpart 2 of part A of title III of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3644, which related to State and local programs for school technology resources, and was classified generally to subpart 2 (§6841 et seq.) of part A of subchapter III of this chapter prior to the general amendment of title III of Pub. L. 89-10 by Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689, which enacted a new subpart 2 of part A, relating to accountability and administration.

Section 3136 of such Act, referred to in subsec. (d)(4), means section 3136 of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3648, which was classified to section 6846 of this title prior to the general amendment of title III of Pub. L. 89-10 by Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689.

#### CODIFICATION

Section was enacted as part of the Education Flexibility Partnership Act of 1999, and not as part of the Goals 2000: Educate America Act which comprises this chapter.

#### AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-270 substituted “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Technical Education Act of 1998”.

2002—Subsec. (b). Pub. L. 107-110 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The statutory or regulatory requirements referred to in subsection (a)(1)(A) of this section are any such requirements for programs carried out under the following provisions:

“(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

“(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

“(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

“(4) Title IV of the Elementary and Secondary Education Act of 1965.

“(5) Title VI of the Elementary and Secondary Education Act of 1965.

“(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

“(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

#### EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION

Pub. L. 109-211, §1, Mar. 24, 2006, 120 Stat. 320, provided that:

“(a) EXTENSION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to carry out the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b), until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), for any State that was an Ed-Flex Partnership State on September 30, 2004.

“(b) DESIGNATION.—

“(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on September 30, 2004, shall be extended until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965, if the Secretary of Education makes the determination described in paragraph (2).

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.”

#### ADDITIONAL STATE EDUCATIONAL AGENCIES AUTHORIZED TO WAIVE FEDERAL REQUIREMENTS

Pub. L. 104-134, title I, §101(d) [title III], Apr. 26, 1996, 110 Stat. 1321-211, 1321-229; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided in part: “That notwithstanding section 311(e) of Public Law 103-227 [20 U.S.C. 5891(e)], the Secretary is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years”.

#### §§ 5892 to 5895. Repealed. Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265

Section 5892, Pub. L. 103-227, title III, §312, Mar. 31, 1994, 108 Stat. 178; Pub. L. 104-134, title I, §101(d) [title VII, §§703(a)(12), 705(d)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253, 1321-257; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to progress reports.

Section 5893, Pub. L. 103-227, title III, §313, Mar. 31, 1994, 108 Stat. 179, related to technical and other assistance regarding school finance equity.

Section 5894, Pub. L. 103-227, title III, §314, Mar. 31, 1994, 108 Stat. 180; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(13)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to national leadership.

Section 5895, Pub. L. 103-227, title III, §315, Mar. 31, 1994, 108 Stat. 181; Pub. L. 103-382, title III, §384, Oct. 20, 1994, 108 Stat. 4018; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(14)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to assistance to outlying areas and to Secretary of the Interior.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 30, 2000, see section 1000(a)(4) [title III, §310(i)] of Pub. L. 106-113, set out as a note under section 5881 of this title.

**§ 5896. Repealed. Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(15)(A)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327**

Section, Pub. L. 103-227, title III, § 316, Mar. 31, 1994, 108 Stat. 184, provided that standards or State assessments described in State improvement plan submitted in accordance with section 5886 of this title were not to be required to be certified by Council.

**§§ 5897 to 5900. Repealed. Pub. L. 106-113, div. B, § 1000(a)(4) [title III, § 310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265**

Section 5897, Pub. L. 103-227, title III, § 317, Mar. 31, 1994, 108 Stat. 184; Pub. L. 103-382, title III, § 361(d), Oct. 20, 1994, 108 Stat. 3975; Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(16)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, related to State planning for improving student achievement through integration of technology into curriculum.

Section 5898, Pub. L. 103-227, title III, § 318, Mar. 31, 1994, 108 Stat. 186, related to prohibition on Federal mandates, direction, and control.

Section 5899, Pub. L. 103-227, title III, § 319, Mar. 31, 1994, 108 Stat. 186, related to State and local government control of education.

Section 5900, Pub. L. 103-227, title III, § 320, as added Pub. L. 104-134, title I, § 101(d) [title VII, § 706], Apr. 26, 1996, 110 Stat. 1321-211, 1321-257; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, related to certain prohibited conditions to receiving assistance and to limitations on Government officials.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 30, 2000, see section 1000(a)(4) [title III, § 310(i)] of Pub. L. 106-113, set out as a note under section 5881 of this title.

**SUBCHAPTER IV—PARENTAL ASSISTANCE**

**§§ 5911 to 5918. Repealed. Pub. L. 106-113, div. B, § 1000(a)(4) [title III, § 310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265**

Section 5911, Pub. L. 103-227, title IV, § 401, Mar. 31, 1994, 108 Stat. 187, related to parental information and resource centers.

Section 5912, Pub. L. 103-227, title IV, § 402, Mar. 31, 1994, 108 Stat. 187, related to applications.

Section 5913, Pub. L. 103-227, title IV, § 403, Mar. 31, 1994, 108 Stat. 189, related to uses of funds.

Section 5914, Pub. L. 103-227, title IV, § 404, Mar. 31, 1994, 108 Stat. 189, related to technical assistance.

Section 5915, Pub. L. 103-227, title IV, § 405, Mar. 31, 1994, 108 Stat. 189, related to definitions.

Section 5916, Pub. L. 103-227, title IV, § 406, Mar. 31, 1994, 108 Stat. 190, related to reports.

Section 5917, Pub. L. 103-227, title IV, § 407, Mar. 31, 1994, 108 Stat. 190, related to general provisions prohibiting required participation in any program of parent education or developmental screening or any action infringing on the right of a parent to direct the education of their children.

Section 5918, Pub. L. 103-227, title IV, § 408, Mar. 31, 1994, 108 Stat. 191, related to authorization of appropriations.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 30, 2000, see section 1000(a)(4) [title III, § 310(i)] of Pub. L. 106-113, set out as a note under section 5881 of this title.

**SUBCHAPTER V—NATIONAL SKILL STANDARDS BOARD**

**§§ 5931 to 5939. Repealed. Pub. L. 103-227, title V, § 509(a), Mar. 31, 1994, 108 Stat. 200**

Section 5931, Pub. L. 103-227, title V, § 501, Mar. 31, 1994, 108 Stat. 191, set forth short title of subchapter as National Skill Standards Act of 1994.

Section 5932, Pub. L. 103-227, title V, § 502, Mar. 31, 1994, 108 Stat. 191, stated purpose of subchapter.

Section 5933, Pub. L. 103-227, title V, § 503, Mar. 31, 1994, 108 Stat. 192; Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(17)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, established National Skill Standards Board.

Section 5934, Pub. L. 103-227, title V, § 504, Mar. 31, 1994, 108 Stat. 195; Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(18)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(17)(A)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-422, related to functions of National Skill Standards Board.

Section 5935, Pub. L. 103-227, title V, § 505, Mar. 31, 1994, 108 Stat. 199, related to deadline for identifying occupational clusters and promoting development of skill standards for the clusters.

Section 5936, Pub. L. 103-227, title V, § 506, Mar. 31, 1994, 108 Stat. 199, related to reports to the President and Congress.

Section 5937, Pub. L. 103-227, title V, § 507, Mar. 31, 1994, 108 Stat. 199, authorized appropriations.

Section 5938, Pub. L. 103-227, title V, § 508, Mar. 31, 1994, 108 Stat. 200; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(17)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-422, related to definitions for subchapter.

Section 5939, Pub. L. 103-227, title V, § 509, Mar. 31, 1994, 108 Stat. 200, repealed this subchapter effective Sept. 30, 1999.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 30, 1999, see section 509(a) of Pub. L. 103-227, which was formerly classified to section 5939(a) of this title.

**SUBCHAPTER VI—INTERNATIONAL EDUCATION PROGRAM**

**§ 5951. Repealed. Pub. L. 107-110, title X, § 1011(4)(B), Jan. 8, 2002, 115 Stat. 1986**

Section, Pub. L. 103-227, title VI, § 601, Mar. 31, 1994, 108 Stat. 200; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 301(e)], div. G, subdiv. A, title XIII, § 1335(e), Oct. 21, 1998, 112 Stat. 2681-337, 2681-410, 2681-788, related to International Education Program.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

**SUBCHAPTER VII—SAFE SCHOOLS**

**§ 5961. Short title; statement of purpose**

**(a) Short title**

This subchapter may be cited as the “Safe Schools Act of 1994”.

**(b) Statement of purpose**

It is the purpose of this subchapter to help local school systems achieve Goal Six<sup>1</sup> of the National Education Goals, which provides that

<sup>1</sup> So in original. Probably should be “Goal Seven”.

by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

(Pub. L. 103-227, title VII, § 701, Mar. 31, 1994, 108 Stat. 204.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title VII of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 204, which enacted this subchapter and amended section 1221e-1 of this title.

### § 5962. Safe schools program authorized

#### (a) Authority

##### (1) In general

From funds appropriated pursuant to the authority of subsection (b)(1) of this section, the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six<sup>1</sup> of the National Education Goals by helping to ensure that all schools are safe and free of violence.

##### (2) Grant duration and amount

Grants under this subchapter may not exceed—

- (A) two fiscal years in duration; and
- (B) \$3,000,000.

##### (3) Geographic distribution

To the extent practicable, grants under this subchapter shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

#### (b) Authorization of appropriations and reservation

##### (1) Authorization

There are authorized to be appropriated \$50,000,000 for fiscal year 1994 to carry out this subchapter.

##### (2) Reservation

The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national activities described in section 5966 of this title, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 5966(b) of this title.

(Pub. L. 103-227, title VII, § 702, Mar. 31, 1994, 108 Stat. 204.)

### § 5963. Eligible applicants

#### (a) In general

To be eligible to receive a grant under this subchapter, a local educational agency shall demonstrate in the application submitted pursuant to section 5964(a) of this title that such agency—

- (1) serves an area in which there is a high rate of—
  - (A) homicides committed by persons between the ages 5 to 18, inclusive;

- (B) referrals of youth to juvenile court;
- (C) youth under the supervision of the courts;
- (D) expulsions and suspensions of students from school;
- (E) referrals of youth, for disciplinary reasons, to alternative schools; or
- (F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

#### (b) Priority

In awarding grants under this subchapter, the Secretary shall give priority to a local educational agency that submits an application that assures a strong local commitment to the projects or activities assisted under this subchapter, such as—

- (1) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and
- (2) a high level of youth participation in such projects or activities.

(Pub. L. 103-227, title VII, § 703, Mar. 31, 1994, 108 Stat. 205.)

### § 5964. Applications and plans

#### (a) Application

In order to receive a grant under this subchapter, an eligible local educational agency shall submit to the Secretary an application that includes—

- (1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;
- (2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;
- (3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;
- (4) a description of educational materials to be developed in the first most predominate non-English language of the schools and communities to be served by the grant, if applicable;
- (5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this subchapter will be coordinated with and support any systemic education improvement plan prepared with such funds;
- (6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in as-

<sup>1</sup> So in original. Probably should be “Goal Seven”.

sessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat such problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure the applicant's progress in achieving the purpose of this subchapter;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities the grantee carries out with funds under this subchapter with activities carried out under the grantee's comprehensive plan for drug and violence prevention adopted under the Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law enforcement, judicial, health, and social service programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.], and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in the grantee's violence prevention activities;

(11) an assurance that grant funds under this subchapter will be used to supplement and not supplant State and local funds that would, in the absence of funds under this subchapter, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities assisted under this subchapter or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

#### (b) Plan

In order to receive funds under this subchapter for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community.

(Pub. L. 103-227, title VII, § 704, Mar. 31, 1994, 108 Stat. 205.)

#### REFERENCES IN TEXT

The Drug-Free Schools and Communities Act of 1986, referred to in subsec. (a)(8), is title V of Pub. L. 89-10 as added by Pub. L. 100-297, title I, § 1001, Apr. 28, 1988, 102 Stat. 252, which was classified generally to subchapter V (§ 3171 et seq.) of chapter 47 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519. See section 7101 et seq. of this title.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (a)(9), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

#### § 5965. Use of funds

##### (a) In general

A local educational agency shall use grant funds received under this subchapter for one or more of the following activities:

(1) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations, juvenile justice programs, and gang prevention activities.

(2) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(3) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(4) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(5) Activities which involve parents in efforts to promote school safety and prevent school violence.

(6) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(A) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(B) the need for community support.

(7) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations and juvenile justice programs.

(8) Developing and implementing violence prevention activities and materials, including—

(A) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(B) disciplinary alternatives to expulsion and suspension of students who exhibit violent or antisocial behavior;

(C) student-led activities such as peer mediation, peer counseling, and student courts; or

(D) alternative after-school programs that provide safe havens for students, which may

include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(9) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(10) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(11) Supporting “safe zones of passage” for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(12) Counseling programs for victims and witnesses of school violence and crime.

(13) Acquiring and installing metal detectors and hiring security personnel.

(14) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(15) Evaluating projects and activities assisted under this subchapter.

(16) The cost of administering projects or activities assisted under this subchapter.

(17) Other projects or activities that meet the purpose of this subchapter.

#### **(b) Limitations**

##### **(1) In general**

A local educational agency may use not more than—

(A) a total of 5 percent of grant funds received under this subchapter in each fiscal year for activities described in paragraphs (11), (13), and (14) of subsection (a) of this section; and

(B) 5 percent of grant funds received under this subchapter in each fiscal year for activities described in paragraph (16) of subsection (a) of this section.

##### **(2) Special rule**

A local educational agency shall only be able to use grant funds received under this subchapter for activities described in paragraphs (11), (13), and (14) of subsection (a) of this section if funding for such activities is not available from other Federal sources.

##### **(3) Prohibition**

A local educational agency may not use grant funds received under this subchapter for construction.

(Pub. L. 103–227, title VII, § 705, Mar. 31, 1994, 108 Stat. 206.)

#### **§ 5966. National activities**

##### **(a) National activities**

###### **(1) In general**

To carry out the purpose of this subchapter, the Secretary—

(A) is authorized to use funds reserved under section 5962(b)(2) of this title to—

(i) conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through

appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this subchapter;

(ii) provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking; and

(iii) conduct peer review of applications under this subchapter; and

(B) shall develop a written safe schools model so that all schools can develop models that enable all students to participate regardless of any language barrier.

##### **(2) Special rule**

The Secretary may carry out the activities described in paragraph (1) directly, through interagency agreements, or through grants, contracts or cooperative agreements.

##### **(b) National model city**

The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 5962(b)(2) of this title in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

(Pub. L. 103–227, title VII, § 706, Mar. 31, 1994, 108 Stat. 208.)

#### **§ 5967. Reports**

##### **(a) Report to Secretary**

Each local educational agency that receives funds under this subchapter shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan described in section 5964(b) of this title.

##### **(b) Report to Congress**

The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report not later than October 1, 1995, which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 5964(a) of this title, and an evaluation of programs assisted under this subchapter.

(Pub. L. 103–227, title VII, § 708, Mar. 31, 1994, 108 Stat. 209.)

#### **CHANGE OF NAME**

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

#### **§ 5968. Coordination of Federal assistance**

The Secretary, as a member of the Coordinating Council on Juvenile Justice and Delin-



quency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this subchapter with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other Federal law for purposes that are determined by the Secretary to be similar to the purpose of this subchapter, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

(Pub. L. 103-227, title VII, § 709, Mar. 31, 1994, 108 Stat. 209.)

#### SUBCHAPTER VIII—MINORITY-FOCUSED CIVICS EDUCATION

##### § 5981. Short title

This subchapter may be cited as the “Minority-Focused Civics Education Act of 1994”.

(Pub. L. 103-227, title VIII, § 801, Mar. 31, 1994, 108 Stat. 209.)

##### § 5982. Purposes

It is the purpose of this subchapter—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

(Pub. L. 103-227, title VIII, § 802, Mar. 31, 1994, 108 Stat. 209.)

##### § 5983. Grants authorized; authorization of appropriations

###### (a) Grants authorized

###### (1) In general

The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

###### (2) Award rule

In awarding grants under this subchapter, the Secretary shall ensure that there is wide geographic distribution of such grants.

###### (b) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subchapter.

(Pub. L. 103-227, title VIII, § 803, Mar. 31, 1994, 108 Stat. 210.)

##### § 5984. Definitions

For purposes of this subchapter—

(1) the term “eligible entity” means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term “State higher education agency” means the officer or agency primarily responsible for the State supervision of higher education.

(Pub. L. 103-227, title VIII, § 804, Mar. 31, 1994, 108 Stat. 210.)

##### § 5985. Applications

###### (a) Application required

Each eligible entity desiring a grant under this subchapter shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

###### (b) Contents of application

Each application submitted pursuant to subsection (a) of this section shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

#### (c) Priority

The Secretary, in approving applications for assistance under this subchapter, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

(Pub. L. 103-227, title VIII, § 805, Mar. 31, 1994, 108 Stat. 210.)

### SUBCHAPTER IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

#### § 6001. Short title

This subchapter may be cited as the “Educational Research, Development, Dissemination, and Improvement Act of 1994”.

(Pub. L. 103-227, title IX, § 901, Mar. 31, 1994, 108 Stat. 212.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 103-227,

Mar. 31, 1994, 108 Stat. 212, which enacted this subchapter, amended sections 2422, 3155, 3412, 3419, 3462, and 4085b of this title, repealed section 1221e of this title, and enacted provisions set out as notes under sections 1221e and 3155 of this title.

#### § 6002. Findings

The Congress finds as follows with respect to improving education in the United States:

(1) A majority of public schools in the United States are failing to prepare students to achieve the National Education Goals. The Federal Government should support an extensive program of educational research, development, dissemination, replication and assistance to identify and support the best responses for the challenges ahead. A significant investment in attaining a deeper understanding of the processes of learning and schooling and developing new ideas holds the best hope of making a substantial difference to the lives of every student in the United States. The Office of Educational Research and Improvement within the Department of Education should be at the center of this campaign in order to coordinate such efforts.

(2) The Federal role in educational research has been closely identified with youths who are socioeconomically disadvantaged, are minorities, belong to a language minority, or have a disability. The Federal commitment to education was sufficient to serve not more than—

(A) in 1993, 1 out of every 6 low-income children in need of preschool education;

(B) in 1990, 3 out of every 5 children in need of remediation;

(C) in 1991, 1 out of every 5 children in need of bilingual education; and

(D) in 1992, 1 out of every 20 youths eligible for assistance under the Job Training Partnership Act.

(3) The failure of the Federal Government to adequately invest in educational research and development has denied the United States a sound foundation of knowledge on which to design school improvements. The educational achievement of minority children is of particular concern because at least half of the public school students in 25 of the largest cities of the United States are minority children, and demographers project that, by the year 2005, almost all urban public school students will be minority children or other children in poverty.

(4) The investment goal of the Federal research, development, and dissemination function should be at least 1 percent of the total amount of funds spent on education.

(5) Nationwide model programs and reliable interventions should be demonstrated and replicated, and for such purposes, programs should be established to conduct research and evaluations, and to disseminate information.

(6) The Office should develop a national dissemination policy that will advance the goal of placing a national treasure chest of research results, models, and materials at the disposal of the education decisionmakers of the United States.

(7) A National Educational Research Policy and Priorities Board should be established to

work collaboratively with the Assistant Secretary to forge a national consensus with respect to a long-term agenda for educational research, development, dissemination, and the activities of the Office.

(8) Existing research and development entities should adopt expanded, proactive roles and new institutions should be created to promote knowledge development necessary to accelerate the application of research findings to high priority areas.

(9) Greater use should be made of existing technologies in efforts to improve the educational system of the United States, including efforts to disseminate research findings.

(10) Minority educational researchers are inadequately represented throughout the Department of Education, but particularly in the Office. The Office therefore should assume a leadership position in the recruitment, retention, and promotion of qualified minority educational researchers.

(11) The coordination of the mission of the Office with that of other components of the Department of Education is critical. The Office should improve the coordination of the educational research, development, and dissemination function with those of other Federal agencies.

(Pub. L. 103-227, title IX, §902, Mar. 31, 1994, 108 Stat. 212.)

#### REFERENCES IN TEXT

The Job Training Partnership Act, referred to in par. (2)(D), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

#### OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

The Office of Educational Research and Improvement was established by section 3419 of this title. Section 3419 was repealed and a new section 3419 establishing the Institute of Educational Sciences was enacted by Pub. L. 107-279, title IV, §402(2), Nov. 5, 2002, 116 Stat. 1985.

#### PART A—GENERAL PROVISIONS REGARDING OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

##### **§ 6011. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985**

Section, Pub. L. 103-227, title IX, §912, Mar. 31, 1994, 108 Stat. 213; Pub. L. 103-382, title II, §271(a)(3)(B), Oct. 20, 1994, 108 Stat. 3929, stated policy and purpose of Office of Educational Research and Improvement and set forth provisions relating to employees, publications, reports on activities, research, coordination of activities, evaluations, definitions, and appropriations.

#### PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

##### **§ 6021. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985**

Section, Pub. L. 103-227, title IX, §921, Mar. 31, 1994, 108 Stat. 223, established National Educational Research Policy and Priorities Board.

#### PART C—NATIONAL RESEARCH INSTITUTES

##### **§ 6031. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985**

Section, Pub. L. 103-227, title IX, §931, Mar. 31, 1994, 108 Stat. 227, established the National Institute on Student Achievement, Curriculum, and Assessment, the National Institute on the Education of At-Risk Students, the National Institute on Educational Governance, Finance, Policy-Making, and Management, the National Institute on Early Childhood Development and Education, and the National Institute on Postsecondary Education, Libraries, and Lifelong Education.

#### PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

##### **§ 6041. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985**

Section, Pub. L. 103-227, title IX, §941, Mar. 31, 1994, 108 Stat. 243; Pub. L. 105-277, div. A, §101(f) [title VIII, §301(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-410, established Office of Reform Assistance and Dissemination.

#### PART E—NATIONAL LIBRARY OF EDUCATION

##### **§ 6051. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985**

Section, Pub. L. 103-227, title IX, §951, Mar. 31, 1994, 108 Stat. 260, established within the Department of Education a National Library of Education.

#### PART F—CERTAIN MULTIYEAR GRANTS AND CONTRACTS

##### CODIFICATION

This part was, in the original, part J of title IX of Pub. L. 103-227 and has been designated part F of this subchapter for purposes of codification.

##### **§ 6052. Continuation of awards**

###### **(a) In general**

Notwithstanding any other provision of law, from funds appropriated under subsection (b) of this section, the Secretary—

(1) shall continue to fund any multiyear grant or contract awarded under section 3141 and parts A and C of title XIII of the Elementary and Secondary Education Act of 1965 (as such provisions were in effect on the day preceding January 8, 2002), for the duration of that multiyear award in accordance with its terms; and

(2) may extend, on a year-to-year basis, any multiyear grant or contract awarded under an authority described in paragraph (1) that expires after January 8, 2002, but before the enactment of successor authority to this subchapter.<sup>1</sup>

<sup>1</sup> See References in Text note below.

**(b) Authorization of appropriations**

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out subsection (a) of this section.

(Pub. L. 103-227, title IX, §995, as added Pub. L. 107-110, title X, §1074, Jan. 8, 2002, 115 Stat. 2090.)

## REFERENCES IN TEXT

Section 3141 and parts A and C of title XIII of the Elementary and Secondary Education Act of 1965 (as such provisions were in effect on the day preceding January 8, 2002), referred to in subsec. (a)(1), are section 3141 and parts A and C of title XIII of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3649, 3877, 3882. Section 3141 of the Act was classified to section 6861 of this title, prior to the general amendment of title III of Pub. L. 89-10 by Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689. Part A of title XIII of the Act was classified to part A (§8621 et seq.) of subchapter XIII of chapter 70 of this title, prior to its redesignation as part K of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1021(a), Jan. 8, 2002, 115 Stat. 1987, and transfer to part G (§6053 et seq.) of this subchapter. Part C of title XIII of the Act was classified to part C (§8671 et seq.) of subchapter XIII of chapter 70 of this title, prior to its redesignation as part M of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1023(a), Jan. 8, 2002, 115 Stat. 1987, and transfer to part I (§6055 et seq.) of this subchapter.

This subchapter, referred to in subsec. (a)(2), was in the original “this Act” and has been translated as reading “this title” to reflect the probable intent of Congress.

## EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of this title.

**PART G—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS**

## CODIFICATION

Part K of title IX of Pub. L. 103-227, which comprised this part, was designated part G of this subchapter for purposes of codification. Part K of title IX of Pub. L. 103-227 was formerly part A of title XIII of Pub. L. 89-10, which was classified to part A (§8621 et seq.) of subchapter XIII of chapter 70 of this title, prior to being redesignated as part K of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1021(a), Jan. 8, 2002, 115 Stat. 1987, transferred to this part, and subsequently repealed by Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985.

**§§ 6053 to 6053e. Repealed. Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985**

Section 6053, Pub. L. 103-227, title IX, §1001, formerly Pub. L. 89-10, title XIII, §13101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3877; renumbered Pub. L. 103-227, title IX, §1001, and amended Pub. L. 107-110, title X, §§1021(a),(b), 1025(a)(2)(A), (17)(A), (B), (19), Jan. 8, 2002, 115 Stat. 1987-1989, authorized program for establishment of comprehensive regional assistance centers.

Section 6053a, Pub. L. 103-227, title IX, §1002, formerly Pub. L. 89-10, title XIII, §13102, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3878; renumbered Pub. L. 103-227, title IX, §1002, and amended Pub. L. 107-110, title X, §§1021(a),(b), 1025(a)(1), (2)(B), (6), (7), (10), (17)(C), (19), Jan. 8, 2002, 115 Stat. 1987-1989, related to requirements of centers.

Section 6053b, Pub. L. 103-227, title IX, §1003, formerly Pub. L. 89-10, title XIII, §13103, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3879; renumbered

Pub. L. 103-227, title IX, §1003, and amended Pub. L. 107-110, title X, §§1021(a),(b), 1025(a)(8), (10), (16), Jan. 8, 2002, 115 Stat. 1987-1989, related to maintenance of service and application requirements.

Section 6053c, Pub. L. 103-227, title IX, §1004, formerly Pub. L. 89-10, title XIII, §13104, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3880; renumbered Pub. L. 103-227, title IX, §1004, and amended Pub. L. 107-110, title X, §§1021(a),(b), 1025(a)(9), (18), Jan. 8, 2002, 115 Stat. 1987-1989, related to transition and phase in of centers.

Section 6053d, Pub. L. 103-227, title IX, §1005, formerly Pub. L. 89-10, title XIII, §13105, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3880; renumbered Pub. L. 103-227, title IX, §1005, Pub. L. 107-110, title X, §1021(a),(b), Jan. 8, 2002, 115 Stat. 1987, authorized appropriations.

Section 6053e, Pub. L. 103-227, title IX, §1006, as added Pub. L. 107-110, title X, §1021(c), Jan. 8, 2002, 115 Stat. 1987, applied section 7801 definitions to this part.

**PART H—NATIONAL DIFFUSION NETWORK**

## CODIFICATION

Part L of title IX of Pub. L. 103-227, which comprised this part, was designated part H of this subchapter for purposes of codification. Part L of title IX of Pub. L. 103-227 was formerly part B of title XIII of Pub. L. 89-10, which was classified to part B (§8651 et seq.) of subchapter XIII of chapter 70 of this title, prior to being redesignated as part L of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1022(a), Jan. 8, 2002, 115 Stat. 1987, transferred to this part, and subsequently repealed by Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985.

**§§ 6054 to 6054b. Repealed. Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985**

Section 6054, Pub. L. 103-227, title IX, §1011, formerly Pub. L. 89-10, title XIII, §13201, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3880; renumbered Pub. L. 103-227, title IX, §1011, and amended Pub. L. 107-110, title X, §§1022(a),(b), 1025(a)(2)(A), (B)-(4), (5), (6), (16), (17)(D), (20), Jan. 8, 2002, 115 Stat. 1987-1989, authorized establishment of National Diffusion Network.

Another section 1011 of Pub. L. 103-227 is classified to section 6061 of this title.

Section 6054a, Pub. L. 103-227, title IX, §1012, formerly Pub. L. 89-10, title XIII, §13202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3882; renumbered Pub. L. 103-227, title IX, §1012, Pub. L. 107-110, title X, §1022(a),(b), Jan. 8, 2002, 115 Stat. 1987, authorized appropriations.

Section 6054b, Pub. L. 103-227, title IX, §1013, as added Pub. L. 107-110, title X, §1022(c), Jan. 8, 2002, 115 Stat. 1987, applied section 7801 definitions to this part.

**PART I—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA**

## CODIFICATION

Part M of title IX of Pub. L. 103-227, which comprised this part, was designated part I of this subchapter for purposes of codification. Part M of title IX of Pub. L. 103-227 was formerly part C of title XIII of Pub. L. 89-10, which was classified to part C (§8671 et seq.) of subchapter XIII of chapter 70 of this title, prior to being redesignated as part M of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1023(a), Jan. 8, 2002, 115 Stat. 1987, transferred to this part, and subsequently repealed by Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985.

**§§ 6055 to 6055h. Repealed. Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985**

Section 6055, Pub. L. 103-227, title IX, §1021, formerly Pub. L. 89-10, title XIII, §13301, as added Pub. L. 103-382,

title I, §101, Oct. 20, 1994, 108 Stat. 3882; renumbered Pub. L. 103-227, title IX, §1021, and amended Pub. L. 107-110, title X, §§1023(a),(b), 1025(a)(15), Jan. 8, 2002, 115 Stat. 1987, 1988, authorized grants and contracts for establishment and operation of regional mathematics and science education consortia.

Another section 1021 of Pub. L. 103-227 amended section 2421 of this title prior to the general amendment of chapter 44 of this title by Pub. L. 105-332.

Section 6055a, Pub. L. 103-227, title IX, §1022, formerly Pub. L. 89-10, title XIII, §13302, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3883; renumbered Pub. L. 103-227, title IX, §1022, and amended Pub. L. 107-110, title X, §§1023(a),(b), 1025(a)(11), (14), (21), Jan. 8, 2002, 115 Stat. 1987-1989, related to use of funds.

Another section 1022 of Pub. L. 103-227 is classified to section 6067 of this title.

Section 6055b, Pub. L. 103-227, title IX, §1023, formerly Pub. L. 89-10, title XIII, §13303, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3884; renumbered Pub. L. 103-227, title IX, §1023, Pub. L. 107-110, title X, §1023(a),(b), Jan. 8, 2002, 115 Stat. 1987, related to application for grant or contract and review.

Section 6055c, Pub. L. 103-227, title IX, §1024, formerly Pub. L. 89-10, title XIII, §13304, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3885; renumbered Pub. L. 103-227, title IX, §1024, Pub. L. 107-110, title X, §1023(a),(b), Jan. 8, 2002, 115 Stat. 1987, required each entity in receipt of a grant or contract to establish a regional board for oversight and establishment of program priorities.

Section 6055d, Pub. L. 103-227, title IX, §1025, formerly Pub. L. 89-10, title XIII, §13305, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3885; renumbered Pub. L. 103-227, title IX, §1025, and amended Pub. L. 107-110, title X, §§1023(a),(b), 1025(a)(13), Jan. 8, 2002, 115 Stat. 1987, 1988, related to payments and Federal and non-Federal shares.

Section 6055e, Pub. L. 103-227, title IX, §1026, formerly Pub. L. 89-10, title XIII, §13306, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3885; renumbered Pub. L. 103-227, title IX, §1026, and amended Pub. L. 107-110, title X, §§1023(a),(b), 1025(a)(22), Jan. 8, 2002, 115 Stat. 1987, 1989, related to evaluations and reports.

Section 6055f, Pub. L. 103-227, title IX, §1027, formerly Pub. L. 89-10, title XIII, §13307, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3886; renumbered Pub. L. 103-227, title IX, §1027, and amended Pub. L. 107-110, title X, §§1023(a),(b), 1025(a)(4), (12) Jan. 8, 2002, 115 Stat. 1987, 1988, defined terms for purposes of this part.

Section 6055g, Pub. L. 103-227, title IX, §1028, formerly Pub. L. 89-10, title XIII, §13308, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3886; renumbered Pub. L. 103-227, title IX, §1028, Pub. L. 107-110, title X, §1023(a),(b), Jan. 8, 2002, 115 Stat. 1987, authorized appropriations.

Section 6055h, Pub. L. 103-227, title IX, §1029, as added Pub. L. 107-110, title X, §1023(c), Jan. 8, 2002, 115 Stat. 1987, applied section 7801 definitions to this part.

#### PART J—TECHNOLOGY-BASED TECHNICAL ASSISTANCE

##### CODIFICATION

Part N of title IX of Pub. L. 103-227, which comprised this part, was designated part J of this subchapter for purposes of codification. Part N of title IX of Pub. L. 103-227 was formerly part D of title XIII of Pub. L. 89-10, which was classified to part D (§8701 et seq.) of subchapter XIII of chapter 70 of this title, prior to being redesignated as part N of title IX of Pub. L. 103-227 by Pub. L. 107-110, title X, §1024(a), Jan. 8, 2002, 115 Stat. 1987, transferred to this part, and subsequently repealed by Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985.

#### §§ 6056, 6056a. Repealed. Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985

Section 6056, Pub. L. 103-227, title IX, §1031, formerly Pub. L. 89-10, title XIII, §13401, as added Pub. L. 103-382,

title I, §101, Oct. 20, 1994, 108 Stat. 3886; renumbered Pub. L. 103-227, title IX, §1031, and amended Pub. L. 107-110, title X, §§1024(a),(b), 1025(a)(17)(E), Jan. 8, 2002, 115 Stat. 1987-1989, authorized technology-based technical assistance.

Another section 1031 of Pub. L. 103-227 is set out as a note under section 6301 of this title.

Section 6056a, Pub. L. 103-227, title IX, §1032, as added Pub. L. 107-110, title X, §1024(c), Jan. 8, 2002, 115 Stat. 1988, applied section 7801 definitions to this part.

Another section 1032 of Pub. L. 103-227 enacted section 3351 of this title and amended sections 3381 to 3384 and 3386 of this title prior to the general amendment of chapter 47 of this title by Pub. L. 103-382.

#### SUBCHAPTER X—MISCELLANEOUS

##### PART A—MISCELLANEOUS PROVISIONS

#### § 6061. School prayer

No funds authorized to be appropriated under this chapter may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

(Pub. L. 103-227, title X, §1011, Mar. 31, 1994, 108 Stat. 265.)

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original this “Act”, meaning Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

##### CODIFICATION

Another section 1011 of Pub. L. 103-227 was classified to section 6054 of this title, prior to repeal by Pub. L. 107-279.

#### § 6062. Funding for Individuals with Disabilities Education Act

##### (a) Findings

The Congress finds that—

(1) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately \$10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

##### (b) Sense of Congress

It is the sense of the Congress that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] as soon as reasonably possible, through the reallocation of noneducation funds within the current budget monetary constraints.

(Pub. L. 103-227, title X, §1012, Mar. 31, 1994, 108 Stat. 265.)

##### REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91-230, Apr. 13,

1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

#### CODIFICATION

Another section 1012 of Pub. L. 103-227 was classified to section 6054a of this title, prior to repeal by Pub. L. 107-279.

### § 6063. Study of Goals 2000 and students with disabilities

#### (a) Study required

##### (1) In general

Not later than 180 days after March 31, 1994, the Secretary shall make appropriate arrangements with the National Academy of Sciences or the National Academy of Education to conduct a comprehensive study of the inclusion of children with disabilities in school reform activities assisted under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

##### (2) “Children with disabilities” defined

For purposes of this section, the term “children with disabilities” has the same meaning given such term in section 1401 of this title.

#### (b) Study components

The study conducted under subsection (a) of this section shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences or the National Academy of Education considers appropriate.

#### (c) Study panel membership

Any panel constituted in furtherance of the study to be conducted under subsection (a) of this section shall include consumer representatives.

#### (d) Findings and recommendations

The Secretary shall request the National Academy of Sciences or the National Academy of Education to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

#### (e) Funding

From funds appropriated to the Secretary for research related to individuals with disabilities

the Secretary shall make available \$600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

(Pub. L. 103-227, title X, §1015, Mar. 31, 1994, 108 Stat. 266.)

#### REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in subsecs. (a)(1) and (b)(4), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to this chapter (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

### § 6064. Contraceptive devices

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

(Pub. L. 103-227, title X, §1018, Mar. 31, 1994, 108 Stat. 268.)

### § 6065. Assessments

#### (a) Subchapter II

No funds provided under subchapter II of this chapter shall be used to develop or undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for 5 years after March 31, 1994.

#### (b) Subchapter III<sup>1</sup>

Assessments developed with funds under subchapter III<sup>1</sup> of this chapter may be used for decisions regarding graduation, grade promotion, or retention of students only on the condition that students have been prepared in the content for which the students are being assessed.

(Pub. L. 103-227, title X, §1019, Mar. 31, 1994, 108 Stat. 269.)

#### REFERENCES IN TEXT

Subchapters II and III of this chapter, referred to in text, were in the original references to titles II and III, respectively, of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 133, 157. Title II enacted subchapter II of this chapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title. Title III was classified generally to subchapter III (§5881 et seq.) of this chapter and was repealed by Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265.

### § 6066. Public schools

Except as provided in section 5890<sup>1</sup> of this title, nothing in this chapter shall be construed to authorize the use of funds under subchapter III<sup>1</sup> of this chapter to directly or indirectly benefit any school other than a public school.

(Pub. L. 103-227, title X, §1020, Mar. 31, 1994, 108 Stat. 269.)

<sup>1</sup> See References in Text note below.

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

Section 5890 of this title, referred to in text, was repealed by Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265.

Subchapter III of this chapter, referred to in text, was in the original a reference to title III of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 157, which was classified generally to subchapter III (§5881 et seq.) of this chapter and was repealed by Pub. L. 106-113, div. B, §1000(a)(4) [title III, §310(i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-265.

**§ 6067. Sense of Congress**

It is the sense of the Congress that—

(1) no funds appropriated pursuant to this chapter should be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41;

(2) in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this chapter, entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products;

(3) in providing financial assistance under this chapter, the head of each Federal agency should provide to each recipient of the assistance a notice describing the statement made in subsection (a)<sup>1</sup> by the Congress; and

(4) if it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person should be ineligible to receive any contract or subcontract made with funds provided pursuant to this chapter, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections existed on March 31, 1994.

(Pub. L. 103-227, title X, §1022, Mar. 31, 1994, 108 Stat. 270.)

## CODIFICATION

In par. (1), “chapter 83 of title 41” substituted for “sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the ‘Buy American Act’)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Another section 1022 of Pub. L. 103-227 was classified to section 6055a of this title, prior to repeal by Pub. L. 107-279.

## PART B—ENVIRONMENTAL TOBACCO SMOKE

## CODIFICATION

This part was, in the original, part C of title X of Pub. L. 103-227 and has been designated part B of this subchapter for purposes of codification.

Similar provisions relating to environmental tobacco smoke are contained in part C (§7181 et seq.) of subchapter IV of chapter 70 of this title.

**§ 6081. Short title**

This part may be cited as the “Pro-Children Act of 1994”.

<sup>1</sup> So in original. No subsec. (a) has been enacted.

(Pub. L. 103-227, title X, §1041, Mar. 31, 1994, 108 Stat. 271.)

**§ 6082. Definitions**

As used in this part:

**(1) Children**

The term “children” means individuals who have not attained the age of 18.

**(2) Children’s services**

The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after March 31, 1994, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.]); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate Secretary in any enforcement action under this subchapter,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.].

**(3) Person**

The term “person” means any State or local subdivision thereof, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

**(4) Indoor facility**

The term “indoor facility” means a building that is enclosed.

**(5) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

(Pub. L. 103-227, title X, §1042, Mar. 31, 1994, 108 Stat. 271.)

## REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in par. (2), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (2)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are

classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

This subchapter, referred to in par. (2)(B), was in the original “this title”, meaning title X of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 265, which enacted this subchapter and section 3351 of this title, amended sections 1107, 1232h, 2421, 3381 to 3384, and 3386 of this title, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, and enacted provisions set out as notes under section 2701 of this title and section 11901 of Title 42.

### **§ 6083. Nonsmoking policy for children’s services**

#### **(a) Prohibition**

After March 31, 1994, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

#### **(b) Additional prohibition**

After March 31, 1994, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

- (1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (2) any private residence.

#### **(c) Federal agencies**

##### **(1) Kindergarten, elementary, or secondary education or library services**

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

##### **(2) Health or day care or early childhood development services**

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

- (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (B) any private residence.

#### **(3) Application of provisions**

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

#### **(d) Notice**

The prohibitions in subsections (a) through (c) of this section shall be incorporated by publica-

tion of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children’s services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after March 31, 1994, whichever occurs first.

#### **(e) Special waiver**

##### **(1) In general**

On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) of this section who employs individuals who are members of a labor organization and provide children’s services pursuant to a collective bargaining agreement that—

- (A) took effect before March 31, 1994; and
- (B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

##### **(2) Termination of waiver**

A special waiver granted under this subsection shall terminate on the earlier of—

- (A) the first expiration date (after March 31, 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
- (B) the date that is 1 year after March 31, 1994.

#### **(f) Civil penalties**

##### **(1) In general**

Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c) of this section, the term “person” shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

##### **(2) Administrative proceeding**

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary



shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

**(3) Circumstances affecting penalty or order**

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

**(4) Modification**

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

**(5) Petition for review**

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

**(6) Failure to comply**

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or

the amount of the penalty shall not be subject to review.

(Pub. L. 103-227, title X, § 1043, Mar. 31, 1994, 108 Stat. 272.)

**§ 6084. Preemption**

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub. L. 103-227, title X, § 1044, Mar. 31, 1994, 108 Stat. 274.)

**CHAPTER 69—SCHOOL-TO-WORK OPPORTUNITIES**

**§§ 6101 to 6104. Omitted**

**CODIFICATION**

Sections 6101 to 6104 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6101, Pub. L. 103-239, § 2, May 4, 1994, 108 Stat. 569, stated findings of Congress.

Section 6102, Pub. L. 103-239, § 3, May 4, 1994, 108 Stat. 570, stated purposes and Congressional intent.

Section 6103, Pub. L. 103-239, § 4, May 4, 1994, 108 Stat. 572; Pub. L. 103-382, title III, § 394(j)(1), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, § 102(c)(1), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 108-446, title III, § 305(f), Dec. 3, 2004, 118 Stat. 2805, contained definitions.

Section 6104, Pub. L. 103-239, § 5, May 4, 1994, 108 Stat. 575, provided for Federal administration of this chapter.

**SHORT TITLE**

Pub. L. 103-239, § 1(a), May 4, 1994, 108 Stat. 568, provided that: "This Act [enacting this chapter, amending former sections 2394b and 2394c and section 4441 of this title, former section 1699 of Title 29, Labor, and former sections 11449 and 11450 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 4401 and 4441 of this title] may be cited as the 'School-to-Work Opportunities Act of 1994'."

**SUBCHAPTER I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS**

**§§ 6111 to 6114. Omitted**

**CODIFICATION**

Sections 6111 to 6114 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6111, Pub. L. 103-239, title I, § 101, May 4, 1994, 108 Stat. 576, related to general program requirements.

Section 6112, Pub. L. 103-239, title I, § 102, May 4, 1994, 108 Stat. 576, related to school-based learning component.

Section 6113, Pub. L. 103-239, title I, § 103, May 4, 1994, 108 Stat. 577, related to work-based learning component.

Section 6114, Pub. L. 103-239, title I, § 104, May 4, 1994, 108 Stat. 577, related to connecting activities component.

**SUBCHAPTER II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES**

**PART A—STATE DEVELOPMENT GRANTS**

**§§ 6121 to 6127. Omitted**

**CODIFICATION**

Sections 6121 to 6127 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.